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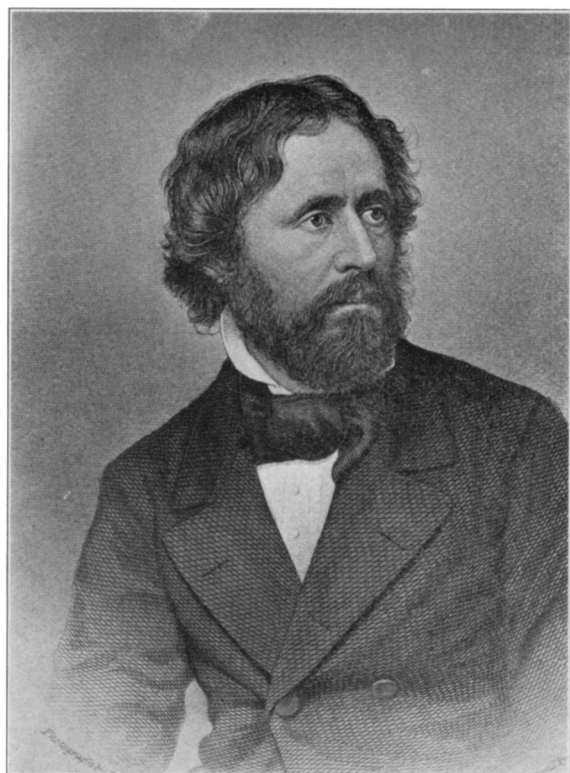
## GENERAL STEPHEN W. KEARNY AND THE CONQUEST OF CALIFORNIA (1846-7).

BY VALENTINE MOTT PORTER.

Who was the "conqueror" of California? The question appears to be simple enough to admit of a ready answer, but in reality it is a poser—at least for any one who is not satisfied to accept tradition unsupported by historic facts. The title rests, it may be said safely, among three men: John C. Frémont, Robert F. Stockton, and Stephen W. Kearny, all of whom contributed by their services, in varying degrees, to add the domain to the United States. Which one most nearly deserves the title, or whether it can be justly bestowed on one to the exclusion of the other two, presents an interesting problem. Frémont, with probably the least merit, made the deepest impression on the public. His name became a household word throughout the country as well as in California. To this day, indeed, the chief historic feature in the old-time California town is invariably "Frémont's Headquarters." Only Washington seems to have had more abiding places, but then of course he had many more campaigns and battles to his credit. Frémont was an active campaigner, in the sense that he covered much ground, but he did not happen to do much fighting. It may be news to many that he was never in a single battle on California soil. Yet on the strength of his claim to be regarded as the "conqueror" he was the first United States senator elected by the new State of California, and the first candidate for president nominated by the new Republican Party. It has been said, perhaps too harshly, that in most ways he was a man of no great ability, but he seems to have approached genius in his faculty for self-advancement. Commodore Stockton, whose claim to the title was asserted with equal vigor, and who sought to monopolize all the credit for the conquest, was only partially successful in his efforts. He, too, became a senator, for a short while, but his party chose Buchanan instead of him to run for president against Frémont. Although the Commodore has almost passed out of the popular mind he has remained in the histories. The writers thereof took him pretty much at his own estimation and have handed him down as the chief figure in the conquest. In California, of course, where an important city bears his name, he is by no means forgotten. All in all, he may be said to have fared reasonably well. Neither popular tradition, however,

or popular histories have much to say about General Kearny, who commanded the troops in the three important battles in the conquest. Compared with the illustrious Frémont and Stockton, he would appear to have been a secondary figure, yet in the estimation of the authorities at Washington, as indicated by official acts, he was the only one of the triumvirate who deserved and received governmental recognition for the achievements in California. Stockton barely escaped censure and Frémont was saved by an act of clemency from being dismissed the Army. The memory of General Kearny has become so vague that were you to walk down Kearny Street in San Francisco and ask the first man you met to tell you for whom the street was named, it is an even chance that he would reply, "Why, I guess Dennis Kearney, 'the sand-lots man'." How to account for the common ignorance and historical undervaluation of General Kearny's part in the acquisition of California is not at all hard. It is simply this: He was not the kind to bother himself about rewards. Being essentially a professional soldier, not a popular hero, when one job was over he turned naturally to the next. Instead of quitting the service, as did the other two, to run for office on the strength of the California exploits, he reported for another tour of duty, was sent to join the Army in Mexico, served in unhealthy stations, fell ill, and died. He was cut off in the prime of his usefulness, only a year after he had left the Pacific Coast. Frémont and Stockton, building political careers upon their military deeds, reaped all the glory that the "conquest" yielded, leaving as memorials of their greatness an assortment of adulatory campaign biographies and a tradition that finds ready acceptance by new generations of hero-worshippers. The purpose of this paper, as may be inferred, is to try to direct attention to General Kearny's services in California, to point out some omissions, inaccuracies, and wrong conclusions in the current histories, and, for the benefit of those who regard the winning of California as a not altogether glorious chapter in American history, to hold up before them one "conqueror" upon whom there is no taint of the spoiler or the charlatan.

At the opening of the Mexican War, General (then Colonel) Kearny was at Fort Leavenworth in command of the First Regiment of United States Dragoons; no fortuitous accident having placed him already on the Pacific Coast. The Administration having in mind the acquisition of the far western country appointed Kearny to command an overland military expedition for the capture of both New Mexico and California. Before he could reach the Coast, but after he was well on his way thither, certain early steps in the struggle had been taken. In order fully to appreciate the part in it that he was to have, it will be advantageous, while he and his



*J. C. Timont.*

cavalcade are crossing the plains, to see what had already been done in California toward throwing off the Mexican rule.

#### THE FIRST OR SUPERFICIAL CONQUEST.

Captain J. C. Frémont, of the United States Topographical Engineers, had been for some time prior to the outbreak of the war engaged in exploration in the Sacramento Valley.<sup>1</sup> His work completed he was about returning to the East, when he received information that decided him to remain in what might become an interesting theatre of military operations. At Sonoma, above the Bay of San Francisco, a party of adventurous settlers, chiefly Americans, had revolted against Mexico and had raised a standard of their own, known as the "Bear Flag." They made overtures to Frémont to join forces with them, but at the beginning they did not obtain his open support. Gradually though he became more and more identified, at least in the minds of the people of the country, with this irregular movement. While not openly espousing the Bear Flag cause it is certain that he gave encouragement to some of the aggressions perpetrated under that symbol. Commodore John D. Sloat, of the United States Navy, in command of the Pacific Squadron, had been advised that in case he heard of a declaration of war between Mexico and the United States he was to seize the ports on the California coast, but unless driven thereto he was not to attack the government of California. He was directed to try to conciliate the people and to hold them as friends of the United States. His task was made the harder for the reason that the filibustering activities of Frémont, added to the outrages perpetrated by the Bear Flag men, had weakened the confidence

<sup>1</sup>JOHN C. FREMONT was born in 1813 at Savannah, Ga.; entered Charleston College, from which he was expelled; became a teacher of mathematics in the Navy (1833); after a cruise of two and a half years he was elevated to a professorship, which evidence of learning moved his former college to give him an A.B. and A.M.; resigned from the Navy and was engaged upon R.R. engineering work until appointed a 2d lieut. in the Topographical Engineers, U. S. A., 1838; brevetted capt. in 1844 for gallant and highly meritorious services in two expeditions to the Rocky Mts.; organized the Calif. Battalion of Vols., 1846, serving as major thereof by appointment of Com. Stockton; commissioned lt.-col. in the Mounted Rifle Reg't, U. S. A., 1846; sided with Com. Stockton in a controversy with Gen. Kearny; courtmartialled, tried, sentenced to be dismissed from Army for disobedience of orders, sentence commuted, but resigned from service, 1848; engaged again in exploring work, reaching Calif. in '49; elected U. S. Senator from Calif. 1850 for a short term; nominated for President by the new Republican Party in 1856; appointed maj.-gen. of vols., 14 May, 1861; resigned 4 June, 1864, without having performed any Civil War service of distinction; thereafter engaged in speculations which gradually impoverished him; appointed governor of Ariz. in 1878, serving for a brief term; placed on the Army retired list as maj.-gen., by special Act of Cong., 1890; died 13 July, 1890.

of the natives in the professed good faith of the Americans. Just about the time that General José Castro, the Mexican military commandante at Monterey, started north to suppress the uprising at Sonoma, Commodore Sloat received advices that convinced him that hostilities between Mexico and the United States had gone far enough to justify him in acting upon his instructions.<sup>2</sup> By his orders the stars and stripes were run up at Monterey on July 7, 1846, and two days later at Yerba Buena, the settlement on San Francisco Bay. At the same time the Bear Flag came down at Sonoma and was replaced by the American standard.<sup>3</sup> Castro, realizing that he would now have to cope with a superior force, hastily withdrew to the South to secure reinforcements. Commodore Stockton, who succeeded Sloat within a few days after the flag was raised, was not content merely to hold the sea-ports. After a conference with Frémont he decided to abandon any conciliatory attitude. Being personally ambitious and a receptive candidate for glory, he made up his mind, without waiting for definite instructions, to conquer the country.<sup>4</sup> Forthwith he issued a bombastic proclamation, characterized by effrontery and hypocrisy.<sup>5</sup> He had already accepted a tender of services from Frémont and his improvised force from the North, made up of some of the Bear Flag

<sup>2</sup>For Sloat's instructions see 30th Cong., 1st Sess., Ex. Doc. 60, p. 231; also, Cutts, *History of the Conquest of New Mexico and California*, ch. vii. and appendix. E. A. Sherman's *Life of Rear-Admiral John D. Sloat*, contains the instructions, an account of Sloat's information regarding hostilities in Mexico, and an eulogy on his character, all crudely arranged and incoherently presented.

<sup>3</sup>The Bear Flag Revolt, according to H. H. Bancroft, was a movement independent of the American conquest of California, being in no sense a part of it, and neither leading to or in any way promoting it. If anything, it made the conquest more difficult. H. H. Bancroft, *History of California*, v., p. 96. Although Bancroft's work stands as the leading reference source for California history, it is not safe to accept it always as infallible authority, as will be pointed out in the course of this paper.

<sup>4</sup>ROBERT F. STOCKTON was born in 1795 at Princeton, N. J.; entered college there but left to become a midshipman in U. S. N., 1 Sept., 1811; served in the War of 1812, becoming a lieut. 9 Dec., 1814; served in the expedition against Algiers; promoted to commander in 1830; capt. in 1838. Although in the Naval service, he always was active in politics, but frequently changed his party allegiance. He declined the post of Sec. of Navy, offered him by Pres. Tyler. Three years after his Calif. experience he quit the Navy (1850) and the next year was elected U. S. Senator from N. J., resigned after a short service in the Senate. He was prominently mentioned for the Democratic nomination for pres. in 1856. In later years was identified with the American ("Know Nothing") Party movement. He died 7 Oct., 1866.

<sup>5</sup>Bancroft, v., p. 255; Royce, *California*, pp. 177-8; Tuthill, *History of California*, p. 186, and *Annals of San Francisco*, p. 104.

men and of newly arrived immigrants, which was designated as the "California Battalion of Mounted Riflemen." This command was embarked for San Diego with the purpose of cutting off Castro's retreat to the South, a plan that in the turn of events proved ineffective. Stockton himself sailed for San Pedro, the port of Los Angeles, where he landed a force of sailors and marines, with some small cannon. General Castro and Governor Pio Pico at Los Angeles made a show of preparation for defense, but realizing that they could not successfully repel the invaders they tried to open negotiations with Stockton. They felt that in view of the conciliatory attitude of Sloat, the predecessor of Stockton, there might be some chance for an adjustment. Commodore Stockton, however, was not the kind of man to yield an inch of glory. Caring little or nothing for the feelings of the Californians he treated their messengers disdainfully, and demanded an unconditional surrender. As Castro and Pico could not comply without loss of honor they decided, not to resist, but to throw over the cause of the Californians and bolt! Whereupon they headed for Mexico, leaving the Californians to shift for themselves. Major Frémont and his battalion having marched up from San Diego and joined the Commodore and men from the fleet, the united force on August 13 entered Los Angeles without hindrance.

Having now completed, as he thought, the conquest of the country, Commodore Stockton sent Kit Carson, the scout, on an overland trip to Washington, bearing the tidings of the acquisition of California. He then undertook to erect a government for the inhabitants. He issued a few more proclamations, somewhat milder in tone than the first, but yet offensively condescending, signing himself "commander-in-chief and governor of the territory of California."<sup>6</sup> The conquest had been bloodless simply because the naturally unwarlike people of the country so far had lacked enthusiasm and capable leadership. They had yielded not without much bitterness of spirit. The pronunciamientos of Stockton, instead of appeasing them, served only to increase their resentment. They had been victimized, but they did not know that the wanton, ignorant, selfish course of Stockton was neither justified or contemplated in the orders from Washington. Frémont had sense enough, let it be said in his favor, to accommodate himself to the new order. Being an arch-opportunist he saw the advantage of making himself personally solid with the natives. This he did by entering into their ways and their social life.<sup>7</sup>

<sup>6</sup>29th Cong., 2d Sess., Sen. Ex. Doc. No. 1, p. 669, Doc. No. 19, p. 107, and Bancroft, v., p. 283.

<sup>7</sup>Coronel, Bancroft MS., and Royce, *California*, pp. 185-6.

Four days after the occupation of Los Angeles Commodore Stockton first learned authoritatively that war had been officially declared between the United States and Mexico. So far he had been acting on the strength of the information of hostilities gained by his predecessor.<sup>8</sup> Yet he had apparently completed the task that he had set out to perform. Nothing remained to be done but to garrison the important places. Detachments for this purpose were drawn from Frémont's battalion. Stockton and Frémont then departed for the north, the one by sea, the other by land. Lieut. Gillespie, of the Marine Corps, with fifty men was left in charge at Los Angeles. Not only was this force inadequate to hold in subjection a people whose unrest was increasing, but Gillespie himself was no man for the place. Arrogant, exacting, with intensified Anglo-Saxon inaptitude in dealing with alien peoples, he quickly had the town flaming with wrath and indignation.<sup>9</sup>

#### THE UPRISING OF THE CALIFORNIANS.

The result of Gillespie's intolerance at Los Angeles, added to the smouldering memory of the violence in the north, started up the first vehement opposition to the Americans. The people at last were willing to fight. Leaders came forward in the persons of José M. Flores and Andrés Pico, a brother of Governor Pio Pico. After a short but exciting siege Gillespie was forced to quit Los Angeles and withdraw to Monterey. Lieutenant Talbot and a small detachment at Santa Barbara fled to avoid capture.<sup>10</sup> The whole southern country was quickly reclaimed by its real owners, and the "conquest," so heroically proclaimed by Stockton and Frémont in the letters to Washington, was now undone. Worse than that, the people were now thoroughly aroused. To overcome them again would mean much hard fighting, compared with which the bloodless

<sup>8</sup>Guinn, *Hist. of Calif. and Southern Coast Counties*, i., p. 124. (See note 2, *supra*).

<sup>9</sup>ARCHIBALD H. GILLESPIE, lieut. in the U. S. Marine Corps, had an active part in the incidents connected with the acquisition of Calif. Coming out from Washington in '45 as the bearer of dispatches to Consul Larkin, at Monterey, and incidentally with letters to Fremont, all bearing on the possible annexation of California in the event of War with Mexico, he joined fortunes with the 'Pathfinder,' and served under him and Stockton in various capacities during the subjugation. He declined to be Sec. of State under Fremont's questionable governorship but served as major of the Cal. Battalion. In 1854 he resigned from the Marine Corps. Most of his subsequent life was spent in Mex. and Calif., but he achieved no later prominence. He died in San Francisco in 1873, aged 60.

<sup>10</sup>THEODORE TALBOT had joined the Cal. Bat. of Vols. in July, '46, as serg. major, rising to be 1st lieut. Later he received a commission as lieut. in the 1st Art., U. S. A., and afterwards transferred to the adj- gen'l dept. He died in 1862 as major a. a. g.

conquest just annulled was but child's play. The Americans faced a situation less favorable than when they began. The real task was ahead of them. Commodore Stockton, who so far had not lacked confidence or energy, prepared to grapple with it. He sent Captain Mervine, of the Navy, and a force of marines to the port of San Pedro with orders to march upon and re-capture Los Angeles. The advance of Mervine's party was stopped at Dominguez Rancho. In the engagement that ensued several of his men were killed and he was glad to retreat with his force to San Pedro. Stockton in his flagship arrived there two weeks later (Oct. 23). He had now altogether at this port eight hundred men. Notwithstanding this fact, and that he held a contemptuous view of the Californians, he decided it would be impracticable to march the thirty miles to Los Angeles to make another attempt at its re-capture. His excuses were that Frémont's battalion which had been recruiting in the north and was supposed to be on its way down from Santa Barbara, had not arrived to coöperate with him and that there were no provisions available to subsist the troops on the thirty-mile march from San Pedro to Los Angeles! He estimated the insurgent force at about eight hundred, the sailor-man being deceived by the old ruse practiced by the enemy of marching round and round the hill, to be counted several times, with an auxiliary force of riderless horses kicking up clouds of dust in the distance. The navigator's defective information magnified the enemy's number as a matter of fact, just about eight times. Stockton sized up the situation, according to his lights, and decided to march upon Los Angeles by way of San Diego!<sup>11</sup> Thereupon the Navy took to its ships and sailed down the coast to that place, where the men landed and went into camp early in November. The following month or so was devoted to preparations for a resumption of the campaign, but news was expected any day that Frémont would have arrived at Los Angeles and settled with the enemy, saving Stockton the necessity of sparing his own troops for that purpose. Frémont, however, was taking his time on his southward journey, caution requiring him to march by the difficult mountainous route instead of the quicker shore way. As late as Christmas day he had gotten no further than the pass above Santa Barbara. Meanwhile the Californians had things their own way.

<sup>11</sup>For an account of Stockton's backdown at San Pedro, see Guinn, *id.*, pp. 134-5, and Bancroft, v., pp. 323-4. Another excuse offered by Stockton was the superiority of San Diego harbor as a base, but it is hard to believe that he needed 800 sailors and marines to transfer the ships from one harbor to the other. The main force it would seem could have been spared to march upon Los Angeles while a few men were moving the ships. It would have saved a march of nearly 100 miles.

Such, then, was the situation in December, 1846, when Brigadier-General Kearny and his escort of dragoons approached the Eastern gate of California, after an arduous march over the desert from Santa Fé.<sup>12</sup> Before we ride along with him let us hear what he had been doing so that we may appreciate his present situation.

KEARNY'S MARCH FROM SANTA FE.

Kearny had left Fort Leavenworth with a force approximating fifteen hundred men, consisting of Missouri Volunteers and a portion of his regiment of dragoons, and known as the "Army of the West."<sup>13</sup> The march across the plains and over the mountains was one of the most hazardous and romantic undertakings in military annals. Much of the region traversed was practically devoid of wood and water. Although traders' caravans had been able to go back and forth over the trail to Santa Fé, living on the game shot from day to day, it was far more difficult for an army expected to subsist in the same way, it not being possible to carry along sufficient commissary stores for the entire march. Without going into the details of the journey, which, however interesting, we have not space to describe, the troops reached Santa Fé on August 18, a march of a thousand miles in thirty-four days. Santa Fé, the seat of government of New Mexico and the leading trading post in the Southwest, was occupied "without firing a gun or spilling a drop of blood." As soon as the General had taken formal possession of the territory in the name of the United States, established a civil government, and conciliated the inhabitants, he turned his eyes toward the

<sup>12</sup>STEPHEN WATTS KEARNY was born in 1794 at Newark, N. J.; educated at Columbia college, N. Y.; appointed 1st lieut., 13th Infantry, U. S. A., 12 March, 1812; served in the War of 1812; became capt., 1 April, 1813; ten years later rec'd brevet of major for faithful service continuously in one grade; major, 3d Infantry, 1829; when the 1st Reg't of Dragoons (later known as the 1st Cavalry) was organized, in 1833, he was made its lt.-col. and entrusted with the task of devising a system of cavalry tactics for this new arm of the service. He was thus the father of our present cavalry service. The reg't became the model corps of the Army. He was col. commanding from 1836 to '46. During this time he made many remote expeditions to the Indian tribes, over which he acquired great personal influence. Among the Osages, Kansas, and kindred tribes he was known as *Shonga Kahega Mahetonga* ("The horse-chief of the long knives"). He served in nearly every frontier army post from the northern to the southern border, and more than one he himself built. In the Mexican War he was given command of the "Army of the West," was promoted to brig.-gen., marched overland and conducted the western operations, taking possession of New Mexico and completing the conquest of Calif.; was brevetted major-gen. for gallant and meritorious conduct in this region, to date from the battle of San Pascual, Dec., 1846; was military and civil governor of Calif., 1847, of Vera Cruz, March, 1848, and of the City of Mexico, May, 1848. He died 31 Oct., the same year.

<sup>13</sup>Kearny's commission as brigadier-general reached him in August while he was on the march.

Pacific, his ultimate destination being Monterey. Taking with him three hundred dragoons, who must have presented a striking appearance in their shabby patched clothing and mounted on mules, he set out on Sept. 25th.<sup>14</sup> His orders were to gain possession of California, coöperating for that purpose with the naval forces, which probably would be found in possession of the sea-ports, and having effected a conquest of the country he was to organize a civil government.<sup>15</sup> There would follow him to California additional troops, consisting of an infantry battalion of five hundred Mormon volunteers, raised from the Nauvoo refugees, a regiment of New York volunteers and a company of regular artillery, which were en route by sea. It was also contemplated to send later on Col. Sterling Price and his regiment of Missouri volunteers from Santa Fé, not yet arrived at that point. The whole force, it was believed, would be ample to annex and hold California.

General Kearny's column on Oct. 6, when near Socorro, New Mexico, met Kit Carson, the scout, on his way to Washington with dispatches from Stockton and Frémont announcing the acquisition of California and the complete subjugation of its inhabitants.<sup>16</sup> In consequence of this news Kearny felt it would be unnecessary and unwise to take with him so large a force, especially as the other troops en route by sea would serve all needful purposes. The war was still in progress in old Mexico, and it seemed good policy to leave at Santa Fé as many men as could be spared. So the General sent back two hundred of the dragoons, retaining one hundred as a personal escort rather than as a force likely to be called upon to battle with the enemy. Notwithstanding the changed situation on the Coast he felt in duty bound to continue his march thither, because his orders required him to take command of the department of California and to establish a government for the inhabitants. As the party had still to traverse the most difficult and least known region, the General prudently decided to utilize the services of Kit Carson as a guide, and to forward his dispatches by other hands. Carson strongly protested against having to turn back and retrace his journey, and not without reason, for he was expecting to see his family in a few days more. Kearny was a warm-hearted man and probably disliked to inconvenience Carson, but military necessity justified it.

<sup>14</sup>The dragoons were mounted on mules because it was believed that horses could not travel to Calif., and even if they could they probably would be less serviceable there than mules. Letter of Gen. K. to the Adj.-Gen., 24 Sept., 1846.

<sup>15</sup>For Gen. Kearny's instructions see Bancroft, v., p. 334, note 9, and ref. cited; also 30th Cong., 1st Sess., Ex. Doc., No. 60, p. 153.

<sup>16</sup>Bancroft, v., p. 336.

The party now greatly diminished in numbers, resumed the march and soon found itself beset with hardships more severe than any yet experienced. The greatest suffering was from the lack of provisions and water. By the time the Colorado River was reached (November 22) many of the animals had been lost, some had been eaten, and the rest were in bad condition. Most of the men were obliged to trudge along on foot.<sup>17</sup> Near the junction of the Colorado and Gila Rivers they found the remains of a camp and the recent evidence of many horses, at least a thousand, as they estimated, which led them to believe that they had come upon the trail of General Castro, and that he was returning from Mexico with a fresh army to drive out the Americans. Kearny felt that his own party was too small to be able to resist an attack, and that the only way to take the enemy at a disadvantage would be *to attack him*, by surprise if possible.<sup>18</sup> If Castro's camp could be found he would fall upon it the moment night set in and beat him with the darkness concealing his own weakness. The reconnaissance that he immediately ordered to be made revealed not Castro but a small party of Mexicans on their way to Sonora with five hundred horses from California. The dragoons thought they saw a chance to get some remounts, but to their disappointment the horses proved to be unbroken and few of them were of much use. On the next day they captured a Mexican courier bearing mail from the Coast. Then they got the first intelligence that the Californians had arisen and under Flores had expelled the Americans from Los Angeles, Santa Barbara, and other places. Accustomed to Mexican exaggeration, they took this news with a grain of salt, but at the same time they felt that something serious might have happened. On December 2, at Warner's Rancho, the extreme Eastern settlement of California, they received further reports, seemingly more reliable, that the Californians were in possession of practically the whole Southern country, except the port of San Diego. General Kearny thereupon dispatched a note to Commodore Stockton, asking him if possible to "send a party to open communication with us on the route to this place and to inform me of the state of affairs in California."<sup>19</sup> The Commodore's reply, sent the next day, was as follows:<sup>20</sup>

Headquarters, S. Diego, Dec. 3d, 6:30 P. M.

Sir: I have this moment received your note of yesterday by Mr. Stokes, and have ordered Capt. Gillespie with a detachment of mounted riflemen and

<sup>17</sup>Emory, *Notes of a Military Reconnaissance*, etc., p. 94. (Contained in 30th Cong., 1st Sess., Ex. Doc. No. 41). This work gives a detailed account of the entire march.

<sup>18</sup>*Id.*, p. 94.

<sup>19</sup>Bancroft, v., p. 339, note 14.

<sup>20</sup>*Id.*, *loc. cit.*

a field piece to proceed to your camp without delay. Capt. G. is well informed in relation to the present state of things in Cal., and will give you all needful information. I need not therefore detain him by saying anything on the subject. I will merely state that I have this evening received information by two deserters from the rebel camp of the arrival of an additional force of 100 men, which, in addition to the force previously here, makes their number about 150. I send with Capt. G. as a guide, one of the deserters, that you may make inquiries of him, and, if you see fit, endeavor to surprise them. Faithfully your obedient servant,

ROBT. F. STOCKTON,  
Commander-in-Chief and Governor of the Territory of  
California, etc.

#### THE ACTION AT SAN PASCUAL.

Gillespie's party, numbering thirty-nine, reached Kearny on the 5th, when he was about forty miles from San Diego, with the first advices of the presence of the enemy in that direction.<sup>21</sup> Although after the toilsome overland march the dragoons were pretty well used up, yet the prospect of trying conclusions with the enemy gave them new ardor. Kit Carson and the men from San Diego were skeptical of the valor of the Californians and prophesied that they would not fight. A reconnaissance developed that a force of the enemy was then at the Indian village of San Pascual, about three leagues distant. Owing to the fact that the reconnoitering party had accidentally revealed itself to the enemy it was thought advisable to attack and to force a passage to San Diego. It was then after midnight and the call to horse was at once sounded. The column was arranged in the following order: an advance guard of twelve dragoons under Captain A. R. Johnston and mounted on the best horses available;<sup>22</sup> the General with Lieutenants Emory and Warner, of the Topographical Engineers, and four or five of the men;<sup>23</sup> fifty dragoons under Captain Moore, nearly all mounted on the tired and stiff

<sup>21</sup>The volunteer party that accompanied Gillespie consisted of Acting Lieut. Beale, Passed Midshipman Duncan, 10 carbineers from the U. S. S. *Congress*, Capt. Gibson and 25 of the Calif. Battalion of Vols. Stockton's report to Sec. of Navy, 18 Feb., 1848.

<sup>22</sup>Captain ABRAHAM R. JOHNSTON, the brave officer who was killed leading the charge against the enemy's lancers, was a relative of Mr. J. M. Guinn, Sec. of the Hist. Soc. of Southern Calif. See Gen. K's letter, *infra*, for a tribute to Johnston.

<sup>23</sup>Lieut. W. H. EMORY, the topographical officer and diarist of the expedition, was brevetted capt. for his gallantry at San Pascual and received subsequent brevets for later achievements. He had a distinguished Army service, rising to be a maj.-gen. of vols. in the Civil War. He retired from the Army as brig.-gen. in 1876 and died in 1887. Lieut. W. H. WARNER, the junior topo. officer in the party, also was brevetted for gallantry at San Pascual. As capt. he was killed in 1849 by hostile Indians in the Sierra Nevada.

mules they had ridden from Santa Fé;<sup>24</sup> about twenty of the California volunteers under Captains Gibson and Gillespie, and followed by a detachment of dragoons under Lieutenant Dovidson in charge of two mountain howitzers.<sup>25</sup> The rest of the men, numbering between fifty and sixty, including those from the fleet, were in the rear with Major Swords and the baggage train.<sup>26</sup> The night was intensely disagreeable on account of the cold and rain, and the clothes of the men were thoroughly soaked. They had covered the nine miles of hilly country before the break of dawn and found themselves at San Pascual in sight of the enemy. Captain Andrés Pico, in command of the hostile force, had counted on being able to withdraw to some favorable cover, from which to make a dash at the Americans, whose number he had overestimated, but seeing only a score of horsemen (the advance guard) coming toward him he resolved to make a stand. His men fired a volley and poised their lances to receive the charge of the dragoons. At the discharge Captain Johnston fell with a musket-ball in his forehead. A dragoon dropped badly wounded. Then came the clash. In the hand-to-hand encounter, the advance guard soon would have been overwhelmed, had not the main party come into view. Pico's men now turned and fled, pursued by the Americans strung out at uneven distances, owing to the inequalities of their mounts. Those on the fresh horses naturally got far in the lead, while those on the poor mules fell behind. Pico's men, all skillful riders and well mounted, were quick-witted enough to see the vulnerability of the American situation. Deftly turning on their tracks they rushed back to engage in detail. The renewed action was brief but bloody. Firearms were discarded because empty or rain-soaked. The fight was one of sabre against lance, the Americans on broken-down mules or half-broken horses, the Californians on trained fresh steeds, an unequal contest from every standpoint. Our men fought with great

<sup>24</sup>BENJAMIN D. MOORE, who was killed at San Pascual, was born in Ky. He had entered the Navy as a midshipman in 1829; resigned in '33 to become a 1st lieut. in the Mounted Rangers, U. S. A., but soon transferred to the 1st Dragoons; reached his captaincy in '37. When Kearny's force took possession of Los Angeles they built a fortification above the city which was named "Fort Moore" in memory of Capt. Moore.

<sup>25</sup>Capt. SAMUEL GIBSON was an Oregon immigrant who had participated in the Bear Flag revolt and had come South in Fremont's Calif. Bat. In 1848 he was engaged in mining and was drowned that winter. Lieut. JOHN WYNN DAVIDSON became a brig.-gen. of vols. in the Civil War, was brevetted maj.-gen. of vols. for gallantry and died in 1881 as col. of the 2d Cavalry.

<sup>26</sup>Major THOMAS SWORDS, of the Q.M. Dept., rose to be one of the best known officers in his dept., receiving the brevet of maj.-gen. for faithful and efficient service during the Civil War. He retired from the Army in 1869 and died in 1886.

valor against great odds and in the thick of the meleé was the General himself. Few of those in front escaped injury. He received two ugly wounds from a lance, and might have been killed but for the timely aid of Lieutenant Emory, who put a pistol-ball through the assailant as he was about to make another thrust.<sup>27</sup> For about five minutes, or until the assault had somewhat spent itself, the Californians held their ground, but when they saw the howitzer detachment coming up they fled the field, this time not to return.

The Americans, left in possession of the battle-ground, were in no condition to pursue, and went into camp. Their casualties, as finally determined, were eighteen killed, nineteen wounded, and one missing,<sup>28</sup> On the enemy's side at least a dozen were wounded, but how many were killed, if any at all, is not known, since testimony varies.<sup>29</sup> Nor is it certain how many prisoners were taken. Kearny in his report says that the Californians just previous to their last retreat "carried off all but six."<sup>30</sup> A few days later there was only one prisoner to be exchanged. Pico evidently thought there were more, for he offered to exchange four Americans just captured by him for a like number of Californians.<sup>31</sup> The others may not have fallen into the hands of the Americans, if indeed they were wanted. They might have slipped off after the fight and found places of safety in a region that they knew well, before the Americans, who had their own wounded to look after, had time, even if they had inclination, to search for them. Dr. John S. Griffin, the surgeon of the party, who afterwards became a leading practitioner in Los Angeles, saw one man shot, spoke of "two prisoners," and said, "I think the enemy suffered as much as we did." He says that later he sent to Captain Pico an offer to care for his wounded, but the Captain replied that he had none.<sup>32</sup> As all contemporaneous accounts agree that he did have some of his men wounded, Pico's own testimony is unreliable, but for that matter his broken parole had already shown that his word was not to be relied upon.

The numbers engaged in the fight at San Pascual raises a question as to the accuracy, or freedom from bias, of the historian H. H.

<sup>27</sup>Robinson, *Army of the U. S.*, vol. ii, p. 141.

<sup>28</sup>Bancroft, v., p. 346, note 19.

<sup>29</sup>*Id.*, p. 347, note 20.

<sup>30</sup>Gen. Kearny's report of the affair at San Pascual may be found in Cutts, *Conquest of Calif. and New Mexico*, p. 199, and in Cooke, *Conquest of New Mex. and Calif.*, p. 256.

<sup>31</sup>The four men composed Godey's party, which had been sent 6 Dec. to San Diego to procure conveyances for the wounded. Emory, *id.*, pp. 109-10.

<sup>32</sup>Griffin's *Doc.*, MS., 4-5, cited by Bancroft, v., pp. 346, note 19.

Bancroft, which we shall have occasion to notice also in other connections. His monumental services in the preservation of California history are worthy of great praise and gratitude, but we can not on that account always approve his statements or his reasoning. In treating of this matter he grows somewhat abusive toward General Kearny for reporting that in this fight the Americans were outnumbered. How far he was justified in thus assailing Kearny's veracity we shall now try to determine. He would like to convey the impression that Kearny had 160 effectives in the fight, instead the eighty claimed by the General.<sup>33</sup> He says that at Santa Maria there were 160, and that, *ergo*, that number must have been engaged at San Pascual. He overlooks the fact that fifty or sixty of the party were a mile in the rear with the baggage train under the quartermaster, Major Swords, and were never in the action, and that the howitzer detachment came up after the assault and did not get into the action because its appearance had caused the enemy to retire. The number of Americans actually engaged was probably between eighty and ninety, and because of circumstances already noticed, the brunt must have fallen on still less, that is, on the advance guard and main party, who of course were considerably outnumbered. But it is Kearny's statement of the *enemy's* number that particularly arouses Mr. Bancroft's scorn. Said Kearny in his report: "The enemy proved to be a party of about 160 Californians under Andrés Pico." Bancroft calls this a "deliberate misrepresentation." If the General's statement was based on belief, even though mistaken, the charge fails. Let us see if the information he had did not justify the representation. The first news of the enemy, gained on the 5th, was that eighty Californians were encamped anywhere from sixteen to thirty miles away, the informant being so uncertain in his accounts that little dependence was placed on them.<sup>34</sup> On the following day came the letter from Stockton, advising that the enemy had increased his number to 150. On the next day (6th) was the battle, which began and was over in a few minutes, with little if any opportunity, even if in the excitement and confusion one thought of taking advantage of it, to secure accurate numbers, and of course the fleeing enemy did not wait to be counted. Midshipman Beale, who valorously made his way immediately after the fight to San Diego, reported his estimate at 125.<sup>35</sup> Kearny was troubled by his wounds and did not make his report until after his arrival at San Diego, and a week after the battle. Meanwhile information had come to him, through a prisoner taken

<sup>33</sup>Bancroft, v., p. 343.

<sup>34</sup>*Journal of Capt. A. R. Johnson*, p. 614 (printed in the Wash. ed. of Emory's Notes.)

<sup>35</sup>*Life of Commodore Robert F. Stockton*, Anon., p. 134.

by the naval contingent, that Pico's force was 160. That is the number adopted by the General in his report and subsequently reiterated by him under oath at the court-martial of Frémont.<sup>36</sup> Soon afterward "authentic accounts" were received "that his [Pico's] number was 180 men engaged in the fight, and that 100 additional men were sent from the Pueblo [de los Angeles], who reached his camp on the 7th." This is taken from the official notes of Lieutenant Emory, of the Topographical Engineers, whose account of the whole campaign was published by the Government and has always been regarded as reliable authority.<sup>37</sup> Again, as late as March 15, after the final surrender, and after opportunity had been afforded to talk with those on the other side, when figures must have been settled, Emory still spoke of the number as 160.<sup>38</sup> The General therefore must have made his statement *upon belief well substantiated* by the information he had. Bancroft maintains, as a result of the data he has gleaned from native sources, that not over eighty men were pitted against the Americans. Withholding any comment on the reliability of such data, acquired from survivors many years afterwards, in contrast with the apparently well-founded contemporaneous belief, the charge of deliberate misrepresentation is not only ill-considered but ridiculous and insulting. What is more, even granting that Pico had no more than eighty pitted against Kearny's eighty—or, if you please, his ninety or a hundred—the fact remains that owing to the uncontrollable disposition of the forces in action, enabling the enemy intact to engage our men in detail, they outnumbered them in effect at every stage of the fight until the last, when the howitzer detachment arrived and the enemy as a result fled.

Mr. Bancroft further shows his bias in passing judgment on the General in these words: "It is difficult to regard the affair at San Pascual otherwise than as a stupid blunder on the part of Kearny, or to resist the conclusion that the official report of the so-called 'victory' was a deliberate misrepresentation of facts."<sup>39</sup> We have just seen how easily his "conclusion" as to the report of numbers could have been "resisted," had the historian examined his sources with more care. Now let us discuss his arm-chair comments on the sagacity displayed by an experienced and seasoned Army man, of highly rated ability, who was engaged in the invasion of a *terra incognita*, his force reduced to a mere escort, as a result of the boastful claims of Stockton and Frémont, his men worn out by an unprecedented march over arid desert and trailless hills, and the

<sup>36</sup>Frémont's *Court-martial*, p. 43.

<sup>37</sup>Emory's *Notes*, p. 112.

<sup>38</sup>Letter from Lt. W. H. Emory, U. S. A., to *N. Y. Courier and Enquirer*, reprinted in Robinson, *Army of the U. S.*, appendix, p. 322. See also Emory's testimony in Frémont's *Court-martial*, p. 162, *et seq.*

last step in the journey now disputed by an active foe. The historian specifies that there was no need to attack Pico; that Pico was not anxious for a fight, but was drawn into it by Kearny's course; that the Americans in their weakened condition should have gone on to San Diego without risking a contest with the well-mounted Californians, especially on a cold, wet night, when firearms were useless. It seems a cruel trick of fate that Kearny could not have had the services of the historian as a scout to advise him that Pico did not want to fight. To learn what the enemy intends to do is the chief concern of every commander. If one could only know what is in the enemy's mind it would so simplify matters! Not having such information and not being a necromancer, Kearny had to depend on such advices as he could obtain. Commodore Stockton himself had encouraged an attack. "If you see fit," said he, in the letter above quoted, "endeavor to surprise them." Kearny did see fit to try to do so, and for independent reasons. After the long arduous march he did not intend to be cut off, if he could help it, within two days of his goal. His numbers were too few to be able to resist a formidable attack. His reconnoitering party had revealed his presence in the region. As soon as it became day the enemy would learn his real weakness and fall upon him. While it was still night he must try to cut his way through and by his boldness probably disperse the enemy. Any delay would not only jeopardize his position, but it would enable the enemy to obtain recruits from the vacqueros in the surrounding country. Says Emory: "We were now on the main road to San Diego, all the by-ways being in the rear, and it was therefore deemed necessary to attack the enemy to force a passage."<sup>40</sup> The other officers were consulted and all agreed with Kearny in the necessity of an aggressive movement at once. They were not inexpert volunteers, but professional soldiers, some of them being West Pointers and officers of recognized ability. In view of all the circumstances surrounding him at the time and the unanimity of opinion among his subordinates the General seems to have pursued a reasonable course.

Now *did* Kearny misrepresent in claiming San Pascual as a victory? Bancroft asserts it was not a victory, but a "defeat." But did you ever hear of a defeated party being left in complete possession of the field, the victorious enemy having fled because of the suddenly increased effectiveness of the defeated? A severe blood-letting or the failure to pursue does not spell defeat, else the honors at Gettysburg belonged to the South. Many a hard-fought battle has begun in seeming disaster and ended in complete victory. At San Pascual the Americans never for a moment yielded their

<sup>39</sup>Bancroft, v., p. 353.

<sup>40</sup>Emory's *Notes*, p. 108.

ground, however vigorously pressed, and they succeeded in driving off the enemy. Obviously then there was every reason to claim a victory, but Commodore Stockton, who resented Kearny's advent in California, because it diminished his own renown, and whose subsequent quarrel with Kearny increased his bias, took great delight in referring to the affair at San Pascual, on each and every possible occasion, as a "defeat," sometimes as a "sad defeat," sometimes as a "disastrous" one. At the court-martial proceedings of Frémont, after the close of the war, Senator Benton, Frémont's counsel, reiterated it with great gusto. Writers of histories influenced by Stockton's lengthy and one-sided accounts of the military operations in California, have accepted the term apparently without question. It has been transmitted through later secondary histories and even Bancroft could not escape the traditional view. That the President and the Senate took a different one is evidenced by their action in giving Kearny a brevet of major-general in recognition of his conduct in the action.

We have considered at some length the affair at San Pascual, not because it happened to be the bloodiest and most severe contest in the struggle for California, but because of the injustice the historians have done General Kearny. I refer particularly to Bancroft, because his massive and presumably exhaustive work is the chief source of reference for writers of secondary history and special articles on California subjects in magazines and Sunday papers. To correct this injustice, in so far as may be possible, and to warn future writers, is the excuse for the discussion.

#### RESUMPTION OF THE MARCH TO SAN DIEGO.

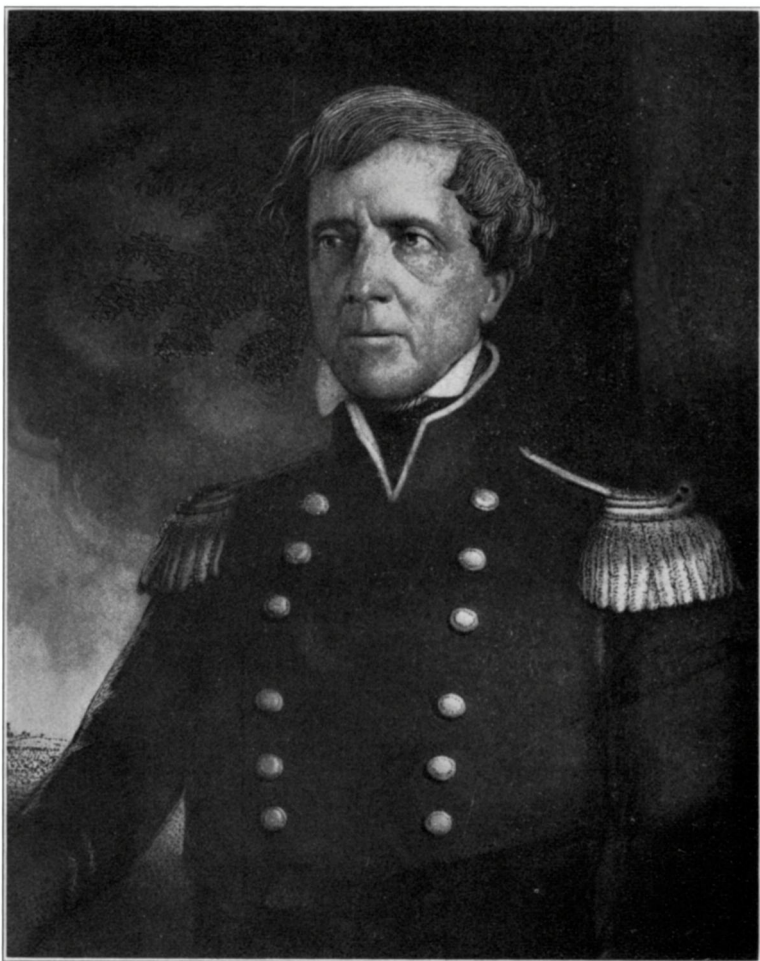
Taking up again the thread of our narrative, which we dropped on the battle-field, we note that General Kearny's party remained in camp during the day, to give the sick a chance to recover some strength and to enable the active ones to bury the dead. In consequence of the General's wounds Captain H. S. Turner was temporarily in command.<sup>41</sup> He dispatched a report of the situation to

<sup>41</sup>HENRY SMITH TURNER, born in Va. Cadet, U. S. M. A., 1 Sept., '30; bvt. 2d Lt., 1st Dragoons, 1 July, '34; 2d Lt., 15 Aug., '35; r. adj., 1 June, '36, to 17 Nov., '38, and again, 1 Dec., '41, to 17 June, '46; bvt. capt. a.g., 17 Nov., '38, to 16 April, '39; capt., 1st Drags., 21 April, '46; bvt. major, 6 Dec., '46, for gallant and meritorious conduct in the battles of San Pascual, San Gabriel, and Mesa. Resigned, 21 July, '48. Served as A. D. C. to Gen. Atkinson in '39; on professional duty at Cavalry School of Saumur, in France, and assisted in preparation of cavalry tactics for U. S. service. After resigning from Army became a farmer and banker at St. Louis, Mo. Ass't Treas. of U. S. at St. Louis 1850-53; banker at San Francisco, Cal. 1853-7; farmer near St. Louis, 1857-63; pres. Union Nat. Bank, St. Louis, 1863. Died 16 Dec., 1881. Major Turner, at the time of his death, was one of the foremost citizens of St. Louis.

Commodore Stockton and suggested that a reinforcement be sent out to meet the party on the route to San Diego. The morning after the battle "dawned on the most tattered and ill-fed detachment of men that ever the United States mustered under her colors," to use the words of Lieutenant Emory. "The enemy's pickets and a portion of his force were seen in front. The sick, by the indefatigable exertions of Dr. Griffin, were doing well, and the General enabled to mount his horse. The order to march was given, and we moved off to offer the enemy battle, accompanied by our wounded, and the whole of our packs. . . . The General resumed the command, placing Captain Turner in command of the remnant of dragoons."<sup>42</sup> While the column was moving along slowly, after having made but nine miles, the enemy suddenly appeared again, charging furiously from the rear. About forty of his number rushed ahead and occupied a hill that must be passed, the remainder stayed behind to cut off a possible retreat. General Kearny ordered a half dozen of his foremost men to clear the hill. This they did in a lively skirmish, without receiving a scratch. It was evident that Pico intended to harass the incumbered Americans by disputing every pass on their route, a course comparatively easy because of his superior mounts. The skirmish had resulted in the loss of the cattle which were being driven along for subsistence, and further marching might mean the loss of the ambulance with the sick, as well as the baggage. The General therefore decided to rest at this point, which seemed to be a strong position, and later cut his way to San Diego. But on the following day the wounded were still in bad shape, and the watchful enemy, now in greater number, was ready to dispute all the passes leading to San Diego, thirty miles away. A further delay seemed inevitable. As it turned out, the Americans remained in the camp four days. For food they were reduced to mule-flesh, but they were able to get water by boring holes. On the last day they were in such desperate straits that they began to destroy all but their most needful property in preparation for another start. That night when their spirits were heaviest, they were suddenly gladdened by the arrival of two hundred sailors and marines, who had come to their relief. Confronted by this efficient force the enemy retired to the north and the Americans without molestation made their way to San Diego.

It is not within the scope of this paper to give a complete narrative of General Kearny's movements in California. We are concerned with only so much of it as may be necessary to indicate his military policy, to show the large part he had in the real conquest of the country, and to justify his position in the dispute that he subsequently had with Stockton and Frémont over the chief control

<sup>42</sup>Emory's *Notes*, p. 109.



*J. W. Kearney Brig Gen  
Gov. of Calif.*

of affairs. So far, we have gone into detail simply to elicit the facts from which wrong conclusions had been drawn. We have tried to bring out in our examination of them that General Kearny's imperiled condition was due not to his own fault, but to the misleading information from Stockton and Frémont, which had induced him to leave the greater part of his force in New Mexico; that in the face of extraordinary difficulties he pursued the wisest course open to him, so far as it was possible to estimate the situation; that in the affair at San Pascual he not only distinguished himself by his valor but wrought a victory out of what promised to be a defeat, and, finally, that historians have given him less than his full share of credit.

With the General and his battered-up dragoons now in San Diego recovering from their wounds and fatigue before being called upon to undertake the next step in the subjugation of California, we may digress a moment to read an interesting account, from Kearny's own pen, of the experiences just passed through, of the condition of affairs on the Coast as he found them a week after his arrival, and an outline of what he intended to do. The document, a letter to his wife, has recently become available historically, through the generosity of Henry S. Kearny, Esq., a son of the General. By courtesy of the Missouri Historical Society, the custodian, it is now for the first time made public:

[LETTER FROM GEN. S. W. KEARNY TO HIS WIFE, AT ST. LOUIS, MO.]<sup>43</sup>

San Diego, Upper California,

Decemb. 19, 1846.

My dear Mary,

I have been here one week—have been anxious to write to you, but no means of sending. In two days Maj. Swords will leave for the Sandwich Islands to get provisions, & I must write by him, hoping that he may find there some vessel about starting for the U. States.

I know my dear wife that you may be uneasy about me, separated as

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<sup>43</sup>MRS. KEARNY, wife of the General, was Mary Radford, a step-daughter of Gov. Wm. Clark, of Lewis and Clark fame. The Clark home was at St. Louis, and there the General's family usually stayed when they could not conveniently be with him. The General himself regarded the city as his home and ended his days there. The following items of interest about members of the family and personal friends mentioned in the above letter have been obtained from the General's son-in-law, Mr. Western Bascome, for many years British Vice-consul at St. Louis, as well as a leading insurance man, and from Major Wm. Clark Kennerly, of St. Louis, a cousin of Mrs. Kearny, himself a veteran of the Mexican War and one of the few survivors of Doniphan's Expedition. The "John" referred to was JOHN RADFORD, a brother of Mrs. K. "Sophie" was his wife. She was a daughter of Col. Pierre Menard, lieut.-gov. of Illinois. John and Sophie were married in 1842 and went to live in a double log-cabin that he built for her on a farm known as "Hardscrabble," located on the Clark Tract, near St.

we are so far from each other. Let me therefore in the first place tell you that I am moving about as if nothing had happened to me, that my appetite is perfectly good, & that I feel but very little inconvenience from my wounds. They are healing up much faster than I could have expected, & in one week more I think I shall be perfectly & entirely recovered. As a good christian you will unite with me in thanks to our God, who directs all things, that he has preserved me thro' the perils & dangers that surrounded me.

I have written a report to the Adj't Gen'l of our action of the 6th Decemb. probably that may be published in the papers, when you will see it. In the meantime I have to tell you that on the 6th at daybreak with about 80 men we attacked a party of 160 Mexicans, which we defeated after an hour's fighting, & drove them from the field. This was at San Pasqual & about 40 miles from this place. We gained a victory over the enemy, but paid most dearly for it. Capts. Moore & Johnston, & Lieut. Hammond, with 2 Sergts, 2 Corpls & 10 Privs. of Dragoons were killed—about 16 of us were wounded, myself in two places in the left side by lances, one of which bled very freely, which was of advantage to me. The loss of our killed is deeply felt by all, particularly by myself, who very much miss my aid Johnston, who was a most excellent and talented soldier, & Capt. Moore, who displayed great courage & chivalry in the fight, as did Lieut. Hammond. Capt Turner is now with me—he is perfectly well—was not wounded, but had his jacket, tho' not his skin, torn. Lieut. Warner of the Topo. Engs. received three wounds, but is now nearly well. Mr. Robideaux, my interpreter, is wounded but is recovering. Poor Johnston's loss will be

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Louis. She died not long afterward. "Col. Brant" was Lt.-Col. JOSHUA BRANT, a veteran of the War of 1812, whose service was chiefly in the Q. M. Dept. He resigned from the Army in 1839 and became a resident of St. Louis. "Major Stewart" was A. D. STEUART, of the Paymaster's Dept., who served through the Civil War, reached the grade of Lt.-col. and died in 1867. His wife was a Miss Bullitt, of Kentucky. When he married her she was the widow of Gen. Atkinson. "Phil," a nephew, was of course the celebrated PHIL KEARNY, who became a major-gen. in the Civil War and was killed at Chantilly, Va., in 1862. Phil married Miss "Di" (Diana) Bullitt, of Ky., a famous beauty, and a sister of Mrs. Steuart. Mrs. HUNT was a daughter of Judge J. B. C. Lucas, of St. Louis, and was married first to Col. Thos. Hunt, U. S. A., who died at old Cantonment Bellefontaine, near the junction of the Mississippi and Missouri Rivers. Her second marriage was to his brother, Wilson P. Hunt, best known as the leader of the historic Astoria Expedition. Her daughter became the wife of Major H. S. Turner (*q. v.*, note 41, *supra*). Bishop HAWKES was the Protestant Episcopal bishop at St. Louis. General Kearny had nine children. WILLIAM, the eldest, went to live in the South and served in the Confederate Army as inspector general. CHARLES lived in St. Joseph, Mo., and died about 1904. HARRIET married George Collier, Jr., of St. Louis, and died in Paris during the Civil War. MARY ("Mit") became the wife of Daniel Cobb, of Barnstable, Mass., who was in business in New Orleans, St. Louis, and Louisville. LOUISA ("Lou") married Wm. Mason, a lawyer in St. Louis. ELLEN ("Puddy") is Mrs. Western Bascome, of St. Louis. CLARENCE died in East Los Angeles, Calif., in 1887, leaving a widow and

felt by many & perhaps not least by Miss Coth  al, a sister of Mrs. Maj. Swords, to whom he was engaged. I have now my dear wife given you some items so that your own mind may be easy. Do not think that I am worse than I represent myself, for it is not so. I expect in less than a week to be on my horse & as active as I ever was.

Your brother William I learn is quite well—he is on the *Warren* & in the Bay of San Francisco, about a week's sail from here. I hope to see him ere long. He will not be able to get back to the U. S. before next summer. Commodore Stockton is at this place with 3 of his ships & has 4 or 500 of his Sailors & Marines here in Town to garrison it. Among them are many very clever fellows, & some messmates of William's, who lately left the *Warren* & from whom I have heard of him.

We had a very long & tiresome march of it from Santa Fe. We came down the Del Norte 230 miles—then to the River *Gila* (pronounced *Hela*) *g* & *i* in Spanish sounding like *h* & *e* in English. We marched 500 miles down that River, having most of the way a bridle path, but over a very rough and barren country. It surprised me to see so much land that can never be of any use to man or beast. We traveled many days without seeing a spear of grass, & no vegetation excepting a species of *Fremontia*, & the Musquet tree, something like our thorn, & which our mules eat, thorns & branches to keep them alive. After crossing the Colorado & getting about 100 miles this side of it, the country improved, & about here is well enough, tho' having but very little timber & but few running streams—

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son, who now reside in San Francisco. "The youngest" (at that time) was HENRY S., who now lives at Lakewood, N. J., and has an office in New York City. STEPHEN was born in 1848, subsequent to the date of the letter, and only a week before his father died, whom he never saw. S. died at St. Louis in 1895. NOBLE and MILLY were slaves belonging to the family. From other sources are obtained the following items: ANTOINE ROBIDOUX was a native of St. Louis, who had lived 15 years in Mexican provinces and married a Mex. wife. He came with Gen. K. as interpreter; went East in '47; returned to Calif. in '49, remaining till '54. From about '56 he lived at St. Joseph, Mo., (which was founded by his brother), where he died in '60, aged 66. He was a brother of Louis Robidoux, who came to Calif. in '44, and became a prominent ranchero at San Bernardino. THOMAS C. HAMMOND, the young lieut. killed at San Pascual, was a native of Pa. and a graduate of the U. S. M. A. in the Class of '42. WILLIAM RADFORD, a brother of Mrs. Kearny, was a Virginian. He reached the grade of rear-admiral in '66; retired from the Navy in '70, and died in 1890. Capt. PHILIP ST. GEORGE COOKE was one of the shining literary lights in the Army as well as a highly efficient officer. At the outbreak of the Civil War he was col. of the 2d Cavalry and at its close a brig.-gen. He had rec'd a brevet for his arduous service in bringing the Mormon Battalion to Calif. in '47. He retired in '73 and died in '95. Lieut. ANDREW JACKSON SMITH became a maj.-gen. of vols. in the Civil War and one of the distinguished commanders. He resigned in '69 and died in '97. Major E. V. SUMNER also became a maj.-gen. of vols. in the Civil War. He died in '63. Lieut. JOHN LOVE resigned from the Army as bvt. capt. in '53. During a part of the Civil War he was a maj.-gen. in the Indiana leg'n of militia. He died in '81.

the climate is very dry & tho' this is the rainy season of the year, yet we have more clouds to threaten us, than rain to fall upon us—there is no certainty of a crop in this part of the world, unless the land is irrigated from running streams.

Lieut Col Frémont is still in California, & we are daily expecting to hear from him. He went up the Coast to raise Volunteers, from the Emigrants from Missouri, to attack the Californians, 700 of whom are now said to be in Arms about 100 miles from here. Fremont, it is supposed, is not far from there—if he has not force enough, it is expected that he will send word to us. I have not heard of Capt. Cooke & the Mormons, tho' hope to see them here in less than a month. I am also ignorant where the Volunteers & the Artillery from New York are, or when to expect them. The great difficulty of getting information here renders it necessary that all our plans should be well considered before attempting to put them in execution. When I get the Volunteers into the Country, I can drive the enemy out of it with ease, tho' at present they have the advantage of us, as they are admirably mounted & the very best riders in the world—hardly one that is not fit for the Circus. This is a great Country for cattle & horses, very many of both run wild & are never caught except when wanted for beef or to be broken—a fine mare is worth about \$2.—an unbroken horse 5—a broken one 10—so you see that flesh is cheap.

If you have any curiosity to know where *San Diego* is, you will find it on the maps in lat 33° on the Pacific & not far from the lower end of Upper California. We have the ocean in sight, & hear the rolling waves which sound like rumbling thunder. We have abundance of fine fish, furnished us by the Navy, who each day catch enough in their nets to supply all. In 6 days we shall have Christmas & a week after that a New Year. May we all live my dear Mary to be re-united before the year is past. You must take good care of yourself & all our little ones, so that when I return our numbers will be complete. I have not heard from you since your letter to me of the 19th August (4 months since). I suppose Lieut. Smith may have a letter & mail for me, & that he may be coming with Capt. Cooke, who I sent back on the 6th Octob. to command the Mormons, as soon as I heard of the death of my friend Capt Allen. What great changes have taken place in the Regt [1st U. S. Dragoons], within the last 6 months! Phil has been for years sighing for a Captaincy. He is now entitled to Compy B which was poor Johnston's, who succeeded Sumner. Lieut. Love went to recruiting. Johnston was killed before Capt Moore, & thus Phil was entitled to first vacancy. Say nothing of this, except to Phil himself. My regards to Major & Mrs. Stewart—also to Mrs. Hunt and my friend Bishop Hawkes & wife. I wish I were with you now to pass at least the Christmas Holydays. But as that is impossible, I must endeavor to control myself in thinking the more of you & the children. Kiss all my dear little ones for me. I hope William & Charles are learning fast. Harriet, I am certain, is improving & Mit & Lou, no doubt also. Puddy, Clarence, & the youngest must occupy your time. I hope that you have some good

woman in your nursery to take care of them. Take care of yourself & the young ones. Regards to John & Sophie. I hope they like their farm near Saint Louis. I wonder how you get on in the management of business, & in your money affairs. I will be able in a month or two to send you some more pay accounts. I have remaining from what I brought from Fort Leavenworth, enough to carry me thro' this month, having paid for everything I have got since I left there. Should Mr. Kennerly or others pay you, so that you have more than you want for use, put it out at 10 per cent for not less than 3, nor more than 5 years. Consult Patterson or Col Brant, & let either of them attend to the business for you. Love again to you & the children.

Yours ever most truly,

S. W. K.

Remember me to Noble, Milly & the Servants—tell Noble I have my grey mule which I brought from Leavenworth. My bay horse gave out & I left him this side of the Colorado.

#### THE SECOND OR ACTUAL CONQUEST.

General Kearny had come to California with orders from the President to take possession of the territory and as a sequel thereto to organize a civil government. On his arrival he found the country, with the exception of the few sea-ports, still in possession of the inhabitants. Under his instructions it became his duty to establish the supremacy of the United States. Prior to his arrival Commodore Stockton, who had been acting as commander-in-chief and governor, being the senior American officer on the Coast, had taken a superficial possession of California, but not only had he lost the greater part of it, but the task of reconquering the people was now made harder than if he had done nothing. General Kearny exhibited to the Commodore his instructions, with the expectation, no doubt, of succeeding him at once in the chief command. The Commodore had no instructions other than those that had come to his predecessor, Commodore Sloat, and these did not go so far as to authorize a land movement by the Naval forces. Nevertheless, Commodore Stockton declined to turn over the chief command of the land forces or the position of governor. He was ambitious to be considered the conqueror of the country and he found an excuse to hang on. General Kearny, thus prevented from carrying out his orders, for he had but a handful of his own troops to back up his authority, against several hundred naval men at the command of Stockton, was in a very awkward situation. Until the arrival of other land forces, who would report to him, he was powerless. Making the best of the matter, therefore, he deferred asserting his rights, and, as gracefully as he could, tried to avoid friction with the naval officer. Although the Commodore was unwilling to resign the chief control of affairs he did offer to give the General sub-

ordinate command of the troops. This was declined for cogent reasons, among them probably that it might seem to be a waiver of rights conferred in specific orders. Any land movement that might have to be undertaken the General would naturally want to direct, but before such a movement became necessary the additional troops might arrive and enable him to carry out his instructions. As we learn from his letter it was the supposition at San Diego that the first blow at the enemy, then gathered about Los Angeles, would soon be struck by Frémont's battalion, which had been coming down the Coast, and news of an engagement was momentarily expected. The letter indicates that as late as December 19 there was no impending movement from San Diego, and that unless Frémont should call for support no advance was contemplated for the present. Three days later, however, we learn from letters that passed between them, that Stockton discussed with Kearny the propriety of taking a force from San Diego as far at least as San Luis Rey, on the route to Los Angeles, in order to be able more conveniently to coöperate with Frémont, if called upon, or to cut off a possible retreat of the enemy should Frémont defeat but not pursue him. If, on the other hand, the support were not needed, the troops could return to San Diego without having to make a long march. The General, in an opinion he wrote after the interview, advised a march not merely to San Luis Rey, but all the way to Los Angeles (inferentially without waiting to hear from Frémont), for the purpose of joining with him at once or creating a diversion in his favor. He said, in his letter to Stockton: "If you can take from here a sufficient force" for the purpose named, "I advise that you do so. . . . I do not think that Lt.-Col. Frémont should be left unsupported to fight a battle upon which the fate of California may for a long time depend." This advice the Commodore resented as being gratuitous and merely reflective of the course he himself had proposed, and also, (without seeing the inconsistency) because it would leave the base at San Diego unprotected. The General, in a polite reply, disclaiming any intention to advise a movement that would jeopardize the safety of the garrison or the ships in the harbor, said further: "My letter of yesterday's date stated that, 'If you can take from here,' &c., &c., of which you were the judge, & of which I knew nothing."<sup>44</sup> This preliminary skirmish in a controversy that later became bitter is cited merely to show that Stockton's letter to Kearny does not substantiate his subsequent claim to have been the first to suggest an unconditional movement all the way to Los Angeles to join Frémont. His plan, as we have seen, was to march only as far as San Luis Rey, a continuation to Los Angeles being contingent upon a call from Frémont. Kearny's plan was the one

<sup>44</sup>Frémont's *Court-martial*, pp. 111-2.

actually followed. They did not wait to hear from Frémont, and he never sent any word. As a matter of fact, they got to Los Angeles before he did, and fought the battle that was expected would fall to him.

A decision to advance having been arrived at by the Commodore, preparations began forthwith. Practically all the available troops, consisting of about sixty unmounted dragoons under Captain Turner, fifty California volunteers, and over four hundred sailors and marines with six pieces of artillery, were chosen to go. General Kearny reconsidered his declination to take charge of the troops, realizing probably that in the face of what might prove to be a serious campaign, requiring the exercise of military skill, it was his duty as an experienced army man to give his services and to put aside temporarily the question of rank. The Commodore acquiesced, but announced to the officers that while the General would be in command of the troops, he himself would go along as "commander-in-chief." The General let him feel that way about it, but I daresay he expected from the Commodore little if any interference with his own conduct of the movement. His orders from Washington directed him to coöperate with the naval forces, and he would do the best he could to avoid friction. His course bears out this interpretation, for while the "commander-in-chief" did issue a few orders and occasionally take a personal hand in affairs, the General in reality gave the important directions. Lieutenant Emory, who acted as the assistant adjutant-general in this campaign, subsequently wrote: "No order of any moment was given, either in the fight of the 8th or the 9th, which was not given by General Kearny in person, or through the undersigned, as his acting assistant adjutant-general. General Kearny commanded in both battles."<sup>45</sup>

The troops marched out of San Diego on December 29. Progress was slow, due to the poor condition of the animals and the difficulty in getting the clumsy *carretas*, loaded with ammunition and provisions, through the deep sand and over the rough hills. On January 8, at the crossing of the San Gabriel River, the enemy was waiting to receive them. General Flores, self-styled governor, since the abdication of Pico, was in command. He had posted five hundred men on a bluff some six or eight hundred yards back from the river and two of his cannon opposite the ford. On the flanks were squadrons of cavalry under Andrés Pico, Manuel Garfias, and José Antonio Carrillo. The Americans moved across in the form of a square, the front covered by a strong party of skirmishers, the rear by a company of carbineers, the flanks with the remainder

<sup>45</sup>See cit. note 38.

of the command. The cattle and wagon train were placed in the center of this formation, which was dubbed by the sailors a "Yankee corral." The artillery was at the four angles. This order of march was adopted as the best means of repelling the enemy's cavalry and became the habitual formation when in the presence of the enemy. The Americans had no cavalry, the dragoons being unmounted, and one of the enemy's tricks was to try to run off the cattle by sudden charges. As the square moved across the ford, the enemy opened fire. The Americans continued to advance, wading through the shallow water, and pulling along the guns. When they had gained the opposite bank they opened up with their artillery, providing a cover under which the wagons and cattle were gotten across, although with some difficulty because of quicksands. Charges by the enemy on the rear and the left flank were successfully met. Meanwhile a lively cannonading was in progress on both sides, but the enemy's powder, made at San Gabriel, was nothing to brag of. In an hour and a half all had crossed, the opposing artillery silenced, and the bluff captured. The enemy retreated in the direction of Los Angeles, but the Americans having no means of pursuit went into camp.

The next day (9th) the advance was resumed, the column moving across the open plain or *mesa* between the San Gabriel and Los Angeles Rivers.<sup>46</sup> At the end of five or six miles the enemy's line was discovered to the right in a favorable position. The Americans deflected to the left, and when abreast of the enemy were fired upon by artillery at long range. An artillery duel ensued, continuing for several hours as the army advanced in its habitual square. One or two cavalry charges were repulsed with some slight loss on both sides. Finally the Californians withdrew, carrying off their dead and wounded. A renewal of the attack was expected, but the next morning (10th) a flag of truce was brought in by residents of Los Angeles, who said no resistance would be offered to the entry of the Americans into the city. In return the citizens were guaranteed full protection. The army accordingly marched in, but not without observing due precaution against treachery, for Governor Flores had already broken faith in breaking his parole given at the time of the first occupation. Barring a few minor disturbances, the re-occupation of the town was accompanied with no disorder.

The American flag was once again raised at Los Angeles, this time not to be lowered. Speculation regarding the whereabouts of Flores and Frémont caused some excitement and many rumors.

<sup>46</sup>The Rio Los Angeles is designated in the reports as the *Rio San Fernando*. (Emory, p. 120). The official records and some histories err in speaking of the Action of the *Mesa* as that of "The Plains of the *Mesa*," an absurd phraseology.



Yours truly  
D. F. Houston

Flores, who fled north, should be meeting Frémont coming south. It turned out, however, that Flores, who probably expected no mercy from Stockton or Kearny, each of whom had threatened to have him shot if captured, because of his broken parole, decided to abdicate the command of his shattered forces to Andrés Pico and betake himself to Mexico. For similar reasons Pico found it inconvenient to capitulate to the Commodore or the General, and resolved to see what he could do with Frémont, who he discovered was then approaching Los Angeles via Cahuenga Pass. Frémont was not averse to receiving a surrender which might tend to enhance his reputation. Without for a moment questioning his own authority he jumped at the offer and granted decidedly favorable terms, thereby increasing his popularity with the people of the country. Stockton and Kearny were somewhat vexed at his assumption of authority, but they decided to ratify his act rather than stir up a hornet's nest. So ended all hostilities between the Californians and the Americans, and none remained excepting between the leaders on the victorious side. This phase will require but brief discussion, for the matter is fairly treated elsewhere, and the issues involved were adjudicated officially and are matters of public record.

#### THE STOCKTON-KEARNY CONTROVERSY.

We have already touched on the beginning of the controversy between Commodore Stockton and General Kearny over the governorship and chief military command. The Commodore without any specific orders from Washington, but resting on the implied authority inherent in the head of a conquering force had assumed the military command and proclaimed himself governor. He declined to acknowledge the right of General Kearny to displace him. General Kearny's instructions were that he should endeavor to gain possession of California for the United States, and that, should he conquer and take possession of it, he was to establish a temporary civil government therein; further that such troops as might be organized in California, as well as those sent there, were to be under his command.<sup>47</sup> Stockton contended that Kearny's right to establish a government was contingent upon his conquering the country, and that inasmuch as the country had been conquered by Stockton before Kearny's arrival, the instructions to him had become obsolete. This was an ingenious interpretation of Kearny's orders in support of Stockton's position, but it was inconsistent with the fact that the country was not in reality conquered prior to Kearny's arrival. The first "conquest" so-called, was specious and super-

<sup>47</sup>Calif. and New Mex. Mess. and Docs., 1850, pp. 236 and 240.

ficial. But for the folly of Stockton and Frémont it might have become permanent. As it turned out, the first real fighting took place after Kearny's arrival, and the final, actual conquest was made practically under his leadership. The final and only important campaign against the enemy was in a sense conducted under a joint leadership, as we have seen, but in their respective official reports, the one to the Secretary of War, the other to the Secretary of the Navy, each claimed to have been in command. Technically, perhaps, the Commodore was the nominal commander-in-chief, but the General was in actual command of the troops, and the one to whom credit was due for the skillful management of the movement. One or two incidents are reported in which Stockton blusteringly issued direct commands in conflict with Kearny's orders, but these were of a minor character, such as ordering the guns to be limbered again before crossing the river, after Kearny had had them unlimbered. Even Bancroft, who adopts Stockton's report as a basis for his narrative, admits that in this instance Kearny's was the more prudent course. It stands to reason that Kearny, who was a land-fighter, was more competent to direct a land movement than Stockton, who was a sea-fighter. It also seems highly probable, from what is known of Kearny's determined character, that he did not take very seriously Stockton's pretensions as "commander-in-chief." We can believe that out of courtesy he did not shut his ears to any words that Stockton may have uttered, but when it came to action there can be little doubt that he followed his own course. On this point General Kearny in his testimony at the court-martial of Frémont had this to say: "On the march I at no time considered Commodore Stockton under my directions; nor did I at any time consider myself under his. His assimilated rank to officers of the army at that time was, and now is, and will, for upwards of a year, remain that of colonel. Although I did not consider myself at any time, or under any circumstances, under the orders of Commodore Stockton, yet, as so large a portion of my command was of sailors and marines, I felt it my duty on all important subjects to consult his wishes; and so far as I consistently could do so to comply with them. He was considered by me as the commander-in-chief in California until he had of his own accord, on the 29th of December, turned over a portion of that command to me."<sup>48</sup> We have already quoted a statement of Lieutenant Emory, who acted as assistant adjutant-general in the movement, to the effect that all the orders of moment were given by Kearny.<sup>49</sup> Bancroft, with characteristic perversity, entitles his chapter covering the final movement, "The Conquest Completed by Stockton and Frémont." Although he has

<sup>48</sup>Frémont's *Court-martial*, p. 117.

<sup>49</sup>See note 38.

followed Stockton's report, rather than Kearny's, in sketching his account, he himself admits that Stockton was vainglorious, inaccurate, given to exaggeration, and even untruthful. Says he: "No witnesses support Stockton's account of the final scenes of the fight [on the 8th], reopening of the artillery fire, etc., and I have no doubt they are purely imaginative."<sup>50</sup> Stockton as the nominal commander-in-chief, even though not the directing head, may have been entitled to some of the glory, but to include Frémont, who did not take part in a single battle or skirmish in California, and to exclude from the caption General Kearny, who bore the brunt of the fighting and was in command of the troops in every one of the three serious engagements, is hard to understand. Now listen further to Mr. Bancroft: "Stockton was beyond comparison an abler and more honorable man than Frémont, yet his reputation as 'conqueror' of California—notwithstanding his energetic and praiseworthy surmounting of obstacles that but for his folly would not have existed—is as *unmerited, though not so fraudulent, as that of the 'pathfinder.'*"<sup>51</sup> "Frémont," he says, "did more than any other to prevent or retard the conquest of California, yet his fame as 'conqueror' is the corner-stone of his greatness."<sup>52</sup> Of Kearny he says, after taking him to task for San Pascual (with how much justice we have seen), his course otherwise in California "was consistent and dignified in the midst of difficult circumstances, and his military record throughout his whole career was an honorable one, the violent tirades of Benton and other partisans of Stockton and Frémont being for the most part without foundation in justice."<sup>53</sup> If we did not know that the work of Bancroft was the product of a division of labor among subordinates, and not always harmonized, we should wonder if the historian had not had a multiple personality.

#### FREMONT'S MUTINOUS CONDUCT.

The conquest having been completed and celebrated by rhetorical proclamations and addresses from the pen of the gifted Commodore, Lieutenant-Colonel Frémont, carefully balancing his own interest at the hands of that potentate and of General Kearny, decided that while mere military convention might require him to report to his superior in the Army, yet there was more in it for him, and a fairly plausible excuse, to submit to the Naval officer, who had promised to bequeath him the governorship. The result of his decision he conveyed to the General in a short note. The General sent for him and in a kind though earnest manner advised him, as a friend and

<sup>50</sup>Bancroft, v., p. 394, note 11.

<sup>51</sup>*I.d.*, p. 735.

<sup>52</sup>Bancroft, iii, p. 749.

<sup>53</sup>Bancroft, iv., p. 697.

senior officer, to destroy the letter, offering to forget its contents. The young officer declined to reconsider his action, even when the General implied a willingness to make him governor in four or six weeks, on his own departure.<sup>54</sup>

As Stockton and Frémont continued to ignore Kearny's authority and instructions, and as the latter lacked troops with which to enforce his orders, he merely protested against the organization of a civil government by Stockton, and warned him in these words: "As I am prepared to carry out the President's instructions to me, which you oppose, I must for the purpose of preventing collision between us & possibly a civil war in consequence of it, remain silent for the present, leaving with you the great responsibility of doing that for which you have no authority, & preventing me from complying with the President's orders."<sup>55</sup>

General Kearny, with his dragoons, thereupon left Los Angeles and returned to San Diego. There the Battalion of Mormon Infantry, over three hundred strong, under Lieut-Colonel P. St. G. Cooke, reported to him a few days later (Jan. 29). Leaving these troops in the South the General embarked for Monterey, where he found Captain Tompkins and his company of regular artillery, with a large supply of guns, ammunition, entrenching tools, etc., waiting to report to him.<sup>56</sup> What was even more gratifying to him Commodore Shubrick had received, with orders to succeed Stockton in command of the Pacific Squadron, and unhesitatingly recognized Kearny's authority. The General was now in a position successfully to assert his authority and he set about to organize a civil government, fixing upon Monterey as the capital. On March 1 he assumed the governorship and entered upon his duties.

Meanwhile, at Los Angeles, Commodore Stockton had issued (Jan. 16) a commission to Frémont as governor. For the ensuing month or so Frémont claimed to be exercising the duties of the office, but as his sphere of influence did not extend much beyond the limits of the town of Los Angeles in that early day, they were not very onerous. From General Kearny he received an order to report to him at once at Monterey, bringing along those of his volunteers who declined to remain in the service and who wished their discharge, and also to deliver all public documents in his control pertaining to the government of California. After taking his time about it and making various excuses, meanwhile having re-

<sup>54</sup>Frémont's *Court martial*, pp. 38-9, 76, 78-81, 87, 91-2, 101, 252-3, 380-96, excerpts of which may be found in Bancroft, v., p. 427, note 23.

<sup>55</sup>Frémont's *Court martial*, pp. 79-80.

<sup>56</sup>With this company of artillery were Lieuts. W. T. Sherman, O. C. Ord, and H. W. Halleck, all of whom became famous generals in the Civil War.

ceived later orders to the same effect, he reluctantly came to Monterey, but instead of rendering obedience at once to the General, tried to parley with him, his manner being far from respectful. The General asked him point-blank if he intended to obey orders, telling him to take an hour, or a day, to think it over. Frémont retired for meditation. Realizing, very likely, that his absurd pretensions would not be supported at Washington, he returned in about an hour and gave an affirmative answer.

#### FREMONT'S COURT-MARTIAL.

Governor Kearny had secured permission, before he left the East, to return as soon as peace and quiet should reign in California and his instructions from Washington had been carried out. After seeing the civil government organized and in good working order, he turned over the governorship to Colonel Richard B. Mason, who had succeeded him in the command of the 1st U. S. Dragoons, and prepared to depart.<sup>57</sup> He caused Frémont to return with him across the plains. When they reached Fort Leavenworth he placed him under arrest and ordered him to report to the Adjutant-General at Washington. There he was court-martialed for mutiny, disobedience to orders, and "conduct to the prejudice of good order and military discipline." At the trial he was given great latitude in the introduction of testimony and he used the opportunity to recite with great dramatic effect his glorious services to the country in the conquest of California. Senator Benton, his father-in-law, was one of his counsel and was characteristically oratorical in his behalf. Frémont, nevertheless, was found guilty on each of the twenty-three specifications and sentenced to be dismissed from the Army. Seven of the thirteen members of the court, in recognition of his past services as an explorer, recommended clemency. In the judgment of the court nothing had been shown to affect the honor or character of General Kearny. President Polk approved in all but one detail the sentence of the court, but in view of the prisoner's former meritorious services and the recommendation, remitted the penalty of dismissal. He ordered him to resume his sword and report for duty. Frémont declined to receive clemency, because he could not admit the justice of the decision, and thoroughly embittered, he resigned from the Army. The court-martial proceedings, which had been

<sup>57</sup>Col. RICHARD B. MASON, who succeeded Kearny in command of the 1st Reg't of Dragoons, was a native of Virginia. He entered the Army in 1817 as a 2d Lt. in the 8th Infantry; became a 1st Lt. a few weeks later; captain in 1819; major in the 1st Drags. 4 March, '33; Lt.-col., 4 July, '36; col., 30 June, '46. He was brevetted a major in '29 for 10 years' faithful service in one grade and a brig.-gen. in '48 for meritorious conduct in Calif. He died in 1850. Mason was regarded as a highly efficient officer, affable and just. He made many friends during his term of military governor.

extensively reported in the newspapers, especially the oratory of Benton, proved to be a great advertisement for the young adventurer. He became a popular hero. "If his accusers at the trial had had the wish and the power to present all the facts in their true light, the popular hero's career might have been nipped in the bud."<sup>58</sup> He returned to California in '49 and was sent to the United States Senate from there in 1851. In 1856 he became the first nominee of the new Republican Party for the office of President of the United States.<sup>59</sup> Commodore Stockton's course in California was never made the subject of official investigation. He, too, quit the service, and coming into a fortune he entered politics. On the strength of his unaided achievement in the conquest of California, he too reached the Senate, representing his native state of New Jersey. He was prominently mentioned for the Democratic nomination for the presidency in 1856 to run against Frémont, but owing to the action of the Virginia delegation the nomination went to Buchanan. The American people were thus deprived of what would have been a highly interesting chapter in their annals—a campaign between the two "conquerors."

#### KEARNY'S CHARACTER AND PERSONALITY.

General Kearny having no political aspirations, reported for duty, joined the Army in Mexico, served as military governor of Vera Cruz and later of the City of Mexico, where he contracted a physical disorder, returned to his home in St. Louis, and died October 31, 1848, the year following his tour in California. While fulsome volumes in praise of Stockton and Frémont made their appearance in due time, no such work was called for in behalf of the dead. Fortunately there have been preserved a few interesting contemporary impressions of the real "conqueror" and first legally appointed American governor of California. They are the more valuable to us because of their spontaneity and undoubted sincerity, and the more remarkable because one comes from a member of Frémont's own battalion, another from a chaplain in Stockton's fleet..

Edward Bryant, in his book, "What I Saw in California," said: "General Kearny is a man rising fifty years of age. His height is about five feet ten or eleven inches. His figure is all that is required by symmetry. His features are regular, almost Grecian; his eye is blue, and has an eagle-like expression, when excited by stern or angry emotion; but in ordinary social intercourse, the whole expression of his countenance is mild and pleasing, and his manners and conversation are unaffected, urbane, and conciliatory, without

<sup>58</sup>Bancroft, v., p. 749.

<sup>59</sup>See note 1, *supra*, for Frémont's subsequent career.

the slightest exhibition of vanity or egotism. He appears the cool, brave and energetic soldier; the strict disciplinarian, without tyranny; the man in short, determined to perform his duty, in whatever situation he may be placed, leaving consequences to follow in their natural course. These, my first impressions, were fully confirmed by subsequent intercourse." In his belief, "no man, placed under the same circumstances, ever aimed to perform his duty with more uprightness and more fidelity to the interests and honor of his country; or who, to shed lustre upon his country, ever braved greater dangers, or endured more hardships and privations, and all without vaunting his performances and sacrifices."<sup>60</sup> The Rev. Walter Colton, in his "Three Years in California," said: "The intelligence of the death of Gen. Kearny has been received here [Monterey] with many expressions of affectionate remembrance. During his brief sojourn in California, his considerate disposition, his amiable deportment and generous policy, had endeared him to the citizens. They saw in him nothing of the ruthless invader, but an intelligent, humane general, largely endowed with a spirit of forbearance and fraternal regard. . . . His star set without a cloud; but its light lingers still; when all the watch-fires of the tented field have gone out, a faithful ray will still light the shrine which affection and bereavement have reared to his worth.

'Still o'er the past warm memory wakes,  
And fondly broods with miser-care;  
Time but the impression deeper makes,  
As streams their channels deeper wear.'"<sup>61</sup>

<sup>60</sup>Bryant, *What I Saw in California* (N. Y.: 1848), pp. 428-9.

<sup>61</sup>Colton, *Three Years in California* (N. Y.: 1850), pp. 375-6.